

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 18/02736/FULL6

Ward:
Cray Valley West

Address : 37 Marion Crescent Orpington BR5 2DF

OS Grid Ref: E: 546460 N: 167866

Applicant : Mr Adam Green

Description of Development:

Part one/two storey rear extension, roof alterations to include side dormers, front porch and elevational alterations including front bay window.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 23

Proposal

Planning permission is sought for the construction of a part one/two storey rear extension, roof alterations to include side dormers, front porch and elevational alterations including front bay window.

The rear extensions would have the following dimensions:

On the ground floor the extension would have:

- A depth of 5.5m
- A maximum width of 8.7m
- A height of 3m
- On the first floor the extension would have:
 - A maximum depth of 4.5m
 - A minimum depth of 2.5m
 - A width of 8m
 - An eaves height of 3.8m
 - A ridge height of 6.8m

The application also proposes an open front porch with no side walls which would project 0.6m forward and would be 2m wide.

The front bay window would project 0.6m and would be 2.8m in width.

There is also one large dormer proposed on the West elevation and one smaller dormer on the East elevation that would have flat roofs.

Location and Key Constraints

The application site hosts a two storey detached dwelling on the Southern side of Marion Crescent, Orpington.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received, which can be summarised as follows:

Objections:

- Changes have not addressed previous refusal reasons
- Loss of privacy, outlook and light to number 35
- Windows look directly into living room and onto patio area
- Loss of amenity in relation to the garden
- Overdevelopment
- Overbearing
- Out of scale
- Concern regarding construction period
- Inappropriate by reason of its sheer scale, bulk and design

Please note the above is a summary and full text is available on the Council's website.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

C) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

London Plan Policies (2016):

7.4 Local character
7.6 Architecture

Unitary Development Plan (2006):

H8 Residential extensions
BE1 Design of new development

Draft Local Plan (2006):

6 Residential Extensions
37 General Design of Development

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Planning History

The relevant planning history relating to the application site is summarised as follows:

- 17/01358/FULL1 - Part one/two storey rear extension, roof alterations to include side dormer, front porch and elevational alterations including front bay window - Refused for the following reasons:

1. The proposed rear extension, by reason of its size and design would result in a bulky and overdominant form of development, harmful to the

character and appearance of the host dwelling and streetscene in general contrary to Policies BE1 and H8 of the Unitary Development Plan (2006).

2. The proposed extension, by way of its excessive depth, would have a detrimental effect on the amenities of the adjoining dwelling by reason of loss of prospect, outlook and visual amenity, contrary to Policies BE1 and H8 of the Unitary Development Plan.

- 17/03909/FULL6 - Part one/two storey rear extension, roof alterations to include side dormers, front porch and elevational alterations including front bay window – Refused for the following reason:

1. The proposed extension, by way of its excessive depth, would have a detrimental effect on the amenities of the adjoining dwelling by reason of loss of prospect, outlook and visual amenity, contrary to Policies BE1 and H8 of the Unitary Development Plan.

This application was subsequently dismissed at appeal. The Inspector concluded that “the proposal would be contrary to policies BE1 (iv) and (v) of the Council’s Unitary Development Plan adopted in July 2006 which require relationships between buildings to allow sunlight and daylight to penetrate and which seeks to protect neighbours’ amenity in terms of daylight and sunlight amongst other matters and so the appeal is dismissed”.

- 18/01527/FULL6 - Part one/two storey rear extension, roof alterations to include side dormers and front porch and elevational alterations including front bay window – Refused for the following reason:

1. The proposed rear extension by reason of its height and excessive depth in relation to the orientation of the site would cause a significant loss of daylight, sunlight and prospect to the adjoining occupiers of number 35, contrary to Policies BE1 and H8 of the Unitary Development Plan and Policies 6 and 37 of the Emerging Local Plan.

Considerations

The main issues to be considered in respect of this application are:

- Resubmission
- Design
- Neighbouring amenity
- CIL

Resubmission

The application seeks to overcome a previous refusal under reference 18/01527/FULL6 which was refused for the following reason

“1. The proposed rear extension by reason of its height and excessive depth in relation to the orientation of the site would cause a significant loss of

daylight, sunlight and prospect to the adjoining occupiers of number 35, contrary to Policies BE1 and H8 of the Unitary Development Plan and Policies 6 and 37 of the Emerging Local Plan”.

The previous application was refused following an Inspectors decision; they had previously stated that there was concern about the impact on the adjoining neighbour at number 35 in regard to the impact of the first floor extension on their French windows at the side.

The first floor extension has been reduced by 0.5m nearest the boundary with number 35 and as such when taking a 45 degree angled line from the centre of these French windows the extension does not intersect the line. This is a test of the impact on the light of adjoining occupiers.

Also the applicant has provided a daylight/sunlight shadow survey has been produced, this shows that for the majority of the day there is no change. The model shows that the French Windows are in shade from between 4- 5pm onwards. The model and photographs show that beyond 4pm the shadows are cast from a westerly direction and the shadow cast by the existing and proposed development moves largely up the flank wall as opposed to across it. After 6pm the sun is low in the sky and long shadows are cast by the trees and boundary fence.

As such it is considered that the applicant has amended the development sufficiently and provided evidence to demonstrate that there would not be any significant impact in terms of loss of light or increased sense of enclosure as stated by the appeal Inspector and in the previous reasons for refusal.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area. Policy BE1 states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. Policy H8 and Draft Policy 6 requires that the design and layout of proposals for the alteration or enlargement of residential properties will be required to *(i) the scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area and (ii) space or gaps between buildings should be respected or maintained where these contribute to the character of the area.*

Policy H9 and Draft Policy 8 state that when considering applications for new residential development, including extensions, the Council will normally require the following:

(i) for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building; or

(ii) where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space. This will be the case on some corner properties.

The Council considers that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas.

The Council will normally expect the design of residential extensions to blend with the style and materials of the main building. Where possible, the extension should incorporate a pitched roof and include a sympathetic roof design and materials.

The part one/two storey rear extension would provide a 1m separation between the extension and the flank boundaries maintaining the current spatial gaps to boundaries, it is considered that the spatial relationship on site to adjacent properties in this instance is acceptable and comply with Policy H9 of the UDP and Policy 8 of the Draft Local Plan.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed extensions would complement the host property and would not appear out of character with surrounding development or the area generally.

With regards to impact on the street scene, the proposed rear extension will only project minimally past the existing East elevation behind where there is currently an entrance hallway and as such would not be visible from the street scene.

The front porch will project 0.6m forward and will be 2m wide. It will be open on all sides. Given the modest size, this element is not considered to impact significantly on the amenities of neighbouring properties nor result in a significant impact on the street scene.

The proposed front bay window will project 0.6m forward and will be 2.76m wide. From visiting the site, it was noted that no's 33 and 35 have front bay windows therefore it is consider in keeping with the character of the surrounding area.

As such it is considered that the extensions are sympathetically designed to complement the host building, the extension would not appear overly bulky or dominant within the street scene, and would not detract from the character and

appearance of area generally and for these reasons, it is considered that the proposed development is acceptable and complies with policy on design as set out above.

Neighbouring amenity

Policy BE1 of the UDP and Policy 37 of the Draft Local Plan seek to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance. This is supported by London Plan Policy 7.6.

Given the chalet style design of the existing property, there are currently no flank windows to the property. The proposal includes several first floor flank windows as a result of the dormers. A condition can be included if permission were forthcoming to ensure that the first floor flank windows were obscure glazed and fixed shut below 1.7m in order to protect current privacy levels.

The orientation of site is such that the garden is south facing. The appeal Inspector raised significant concerns in regard to the French window of the adjoining property at number 35 in relation to the first floor extension. The shadow survey provided shows that for the majority of the day there is no change between the existing situation and the proposed development. The model shows that the French Windows are in shade from between 4- 5pm onwards. The model and photographs show that beyond 4pm the shadows are cast from a westerly direction and the shadow cast by the existing and proposed development moves largely up the flank wall as opposed to across it. After 6pm the sun is low in the sky and long shadows are cast by the trees and boundary fence. The Building Research Establishment (BRE) provides guidance to aid in assessing the likely impact of an extension on neighbouring properties in terms of light. To comply with the approach, no part of a two storey development should cross the line drawn at a 45 degree angle from the centre of the closest habitable room window of neighbouring properties. Using this guidance, the 45 degree line taken from the centre of the French window does not intersect the proposed first floor extension. As such it is considered that on balance the resultant harm of the extension would not be so detrimental as to warrant refusal of the application given all of the above.

With regards to No. 39 it is considered that the scale, siting, separation distance, orientation of the development in relation to the development, would not result in a significant loss of amenity with particular regard to light, outlook, prospect and privacy.

Given all of the above it is considered that on balance due to the design, location and relationship to neighbouring properties the proposed extensions would not result in any significant loss of light and outlook to the adjoining occupiers at Nos. 35 and 39 and would be acceptable in this instance taking into account the depth, separation and orientation.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable and has fully addressed the previous reasons for refusal and Inspectors concerns in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: To comply with Section 91, Town and Country Planning Act 1990.

- 2 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the UDP and in the interests of visual and residential amenity.

- 4 Before the development hereby permitted is first occupied the proposed window(s) in both side dormers shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.**

Reason: In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan.